

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF DELTA WATERMASTER
FEBRUARY 7, 2012**

ITEM #

SUBJECT

INFORMATIONAL REPORT ON WATER RIGHT COMPLIANCE AND ENFORCEMENT IN THE DELTA

DISCUSSION

California Water Code Section 85230(d) directs the State's Delta Watermaster (Watermaster) to submit regular reports to the State Water Board on water rights administration, water quality issues, and conveyance operations. The Watermaster has completed a report entitled *Water Right Compliance and Enforcement in the Delta*.

The report focuses on the State Water Board's responsibility to enforce water rights and to prevent unauthorized diversions of water in the state of California. Pursuant to the Water Code, the State Water Board is responsible for enforcing the terms and conditions of water right permits, licenses, and registrations, as well as investigating diversions of water. As addressed in the Strategic Workplan for Activities in the San Francisco Bay / Sacramento-San Joaquin Delta Estuary, the State Water Board is directed to investigate illegal diversions and violations of permit and license conditions, and take action when violations are occurring in the Bay-Delta Watershed. The report discusses how the State Water Board began an investigation of illegal diversions of water, focusing on the Delta. For instance, the State Water Board has investigated two islands in the Delta to establish whether the landowners possessed any water rights. Most did, though some individuals were subject to more review, the majority of which concerned validating riparian claims for severed parcels. The report notes that the State Water Board has also investigated diverters within an area of the southern Delta and resolved all cases resulting from that investigation. The report also discusses how the State Water Board has begun an investigation of water diverters, statewide, who have failed to file required reports, which include the annual reports for permit and license holders, and the supplemental statements. Finally, the report suggests a new approach of looking at districts in the Delta who serve water to individuals, in addition to looking at compliance issues related to individual diverters.

POLICY ISSUE

None at this time. Informational Item.

FISCAL IMPACT

None at this time. Informational Item.

REGIONAL BOARD IMPACT

None at this time. Informational Item.

STAFF RECOMMENDATION

Staff recommends that the conclusions of this report be considered.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012, to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.